

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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LEMOYNE JONES DIO,

Case No. 14-CV-4826 (PAM/SER)

Petitioner,

v.

ORDER

LORI SWANSON, Attorney General State of  
Minnesota,<sup>1</sup>

Respondent.

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The above-captioned case comes before the undersigned on the Report and Recommendation of United States Magistrate Judge Steven E. Rau. No objections to the Report and Recommendation were filed within the requisite time period. Accordingly, **IT IS HEREBY ORDERED that:**

1. Petitioner Lemoyne Jones Dio's petition for a writ of habeas corpus (Docket No. 1) is **SUMMARILY DISMISSED**;
2. Dio's application to proceed *in forma pauperis* (Docket No. 2) is **DENIED AS MOOT**;
3. Dio's motion for a writ of habeas corpus ad testificandum (Docket No. 3) is **DENIED AS MOOT**;
4. Dio's motion to appoint counsel (Docket No. 4) is **DENIED AS MOOT**;
5. Dio's motion to proceed pro se (Docket No. 5) is **DENIED AS MOOT**; and

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<sup>1</sup>Dio also identifies "Kenneth Grandilard" as a respondent in his petition, although he does not list "Grandilard" as a respondent on the initial caption. *See* Petition at 1, 3 [ECF No. 1]. The identity of the proper respondent to this action is not relevant to this Recommendation.

6. No certificate of appealability will be issued.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: January 12, 2015

*s/ Paul A. Magnuson*  
Paul A. Magnuson  
United States District Court Judge